

No. 24-2036

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MICHELLE NGUYEN, ET AL.,
Plaintiffs-Appellees,

V.

ROB BONTA, IN HIS OFFICIAL CAPACITY AS THE
CALIFORNIA ATTORNEY GENERAL, ET AL.,
Defendants-Appellants.

**On Appeal from the United States District Court
for the Southern District of California**
No. 3:20-cv-02470-WQH-MMP
The Honorable William Q. Hayes, Judge

**CIRCUIT RULE 27-3 CERTIFICATE
FOR EMERGENCY MOTION FOR A STAY PENDING APPEAL**

RELIEF REQUESTED BY APRIL 27, 2024

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official capacities*

April 4, 2024

CIRCUIT RULE 27-3 CERTIFICATE

The undersigned counsel certifies the following information, as required by Ninth Circuit Rule 27-3(c).

(1) Names, Telephone Numbers, E-Mail Addresses, and Office Addresses for the Attorneys for All Parties (9th Cir. R. 27-3(c)(i)):

Counsel for Defendants-Appellants:

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(2) Facts Showing the Existence and Nature of the Emergency (9th Cir. R. 27-3(c)(ii)):

The district court declared California's laws limiting the purchase of firearms from licensed firearms dealers to one purchase every thirty days (one-gun-a-month or OGM law), codified at California Penal Code sections 27535 and 27540(f), to be unconstitutional and permanently enjoined enforcement of those statutes. The

OGM law makes it more difficult for criminals to acquire firearms by reducing the flow of guns into the black market and curtailing the illegal gun market.

If the district court's order is allowed to take effect, bulk firearm purchases would suddenly become legal in California, and bulk purchases of handguns would be permitted for the first time in more than two decades. A stay is necessary to prevent a sudden surge in bulk purchases across the State and the resulting increase in illegal firearms trafficking, which would pose an immediate threat to public safety. The district court stayed its injunction for thirty days from the date of entry, but that stay will expire on Saturday, April 27, 2024.

The Attorney General respectfully requests that the Court act on this motion as soon as possible and grant the request for a stay. If the Court cannot rule on the motion by April 27, 2024, the Attorney General respectfully requests an administrative stay to preserve the status quo pending the resolution of this motion. If the Court denies the motion, the Attorney General requests a 14-day administrative stay from the date of the denial or until May 13, whichever is later, to allow time for appellants to consider whether to seek further relief, including from the en banc Court or the United States Supreme Court.

(3) Why the Motion Could Not Have Been Filed Earlier (9th Cir. R. 27-3(c)(iii)):

The district court issued its permanent injunction and a 30-day stay on March 28, 2024. Appellants filed a Notice of Appeal the next day, and filed this

emergency motion as soon as practicable, on April 4, 2024. The undersigned counsel notified the Court's Emergency Motions Department by telephone and email on April 3, 2024.

(4) When and How Counsel Were Notified and Served and Plaintiffs' Position on the Emergency Motion (9th Cir. R. 27-3(c)(iv)):

On April 3, 2024, undersigned counsel conferred with plaintiffs' counsel by telephone and email to inform plaintiffs that appellants were planning to seek a stay pending appeal. Plaintiffs oppose this emergency motion. Service will be effected through the Court's Appellate Case Management System (ACMS).

(5) The Requested Relief Was First Sought in the District Court (9th Cir. R. 27-3(c)(v)):

The district court entered a 30-day stay, which will expire on Saturday, April 27, 2024, to facilitate an appeal. D. Ct. Dkt. 70.

I declare under penalty of perjury that the foregoing is true.

Dated: April 4, 2024

Respectfully submitted,

ROB BONTA

Attorney General of California

THOMAS S. PATTERSON

Senior Assistant Attorney General

ANTHONY R. HAKL

Supervising Deputy Attorney General

/s/ Jerry T. Yen

JERRY T. YEN

Deputy Attorney General

*Attorneys for Defendants-Appellants Rob Bonta
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